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### **REMARKS/ARGUMENTS**

Favorable reconsideration of this application is requested in view of the amendments above and the remarks which follow.

#### **I. Disposition of Claims**

Claims 20-39 are pending in this application. Claims 1-19 have been canceled. Claims 27 and 28 have been renumbered as 26 and 27, respectively. Claims 28-39 are newly added. Claims 21-24 and 26-27 have been amended. No new matter has been added by way of these amendments. These amendments were not made in view of prior art.

#### **II. Specification**

The disclosure was objected to because of the typographical error "optical" in paragraph 18, line 5. The correct spelling should be "optical." The appropriate correction has been made as set forth above. Withdrawal of this objection is respectfully requested.

#### **III. Claim Objections**

Claims 1, 3-5, 7, 8, 11, 14, 15, 18, and 22 were objected to for informalities. Specifically, the Examiner asserts that the phrase "adapted to" in these claims do not further limit the scope of the claims. Claims 1-19 have been cancelled. The remaining claims have been amended as set forth above to correct the informalities noted by the Examiner. Withdrawal of this objection is respectfully requested.

Claim 8 was objected to because of the second occurrence of the term "prism." Claim 8 has been cancelled. Accordingly, objection to this claim is now moot.

Claims 27 and 28 were objected to because there is no claim 26. Claims 27 and 28 have now been renumbered as claims 26 and 27, respectively. Withdrawal of the objection to these claims is respectfully requested. The new claim numbering will be adhered to in the remainder of the response.

#### **IV. Claim Rejections under 35 U.S.C. §103**

**A. McFarland *et al.* & Boudreau *et al.***

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Claims 1-6, 8-25, and 27 were rejected under 35 U.S.C. §103(a) as being obvious over McFarland *et al.* (U.S.P.N 5,359,687) in view of Boudreau *et al.* (U.S. Patent No. 5,880,525). Claims 1-6 and 8-19 have been cancelled. Reconsideration of the rejection of claims 20-25 and 27 is respectfully requested.

Claim 20 recites a method of passively aligning optical elements comprising aligning and securing one or more optical elements to bases and securing and passively aligning one or more bases to a substrate.

McFarland *et al.* teach aligning and securing an optical element to a substrate. McFarland *et al.* do not disclose or teach aligning and securing an optical element to a base and then securing and aligning the base to a substrate. Boudreau *et al.* also fail to overcome the deficiency in McFarland *et al.*

In view of the above, claim 20 is not obvious over McFarland *et al.* in view of Boudreau *et al.* Withdrawal of the rejection of claim 20 is respectfully requested. Claims 20-25 and 27, being dependent on claim 20, are also patentable in view of the foregoing arguments.

**B. McFarland *et al.*, Boudreau *et al.*, & Yoon *et al.***

Claims 7 and 26 were rejected under 35 U.S.C. §103(a) as being obvious over McFarland *et al.* in view of Boudreau *et al.*, and in further view of Yoon *et al.* (U.S. Patent No. 6,454,468). Claim 7 has been cancelled. Reconsideration of the rejection of claim 26 is respectfully requested.

As discussed above, McFarland *et al.* and Boudreau *et al.* do not teach aligning and securing an optical element to a base and then securing and aligning the base to a substrate, as recited in claim 20. Yoon *et al.* also fail to overcome the deficiency in McFarland *et al.* and Boudreau *et al.* Therefore, claim 26 which depends from claim 20 is not obvious over McFarland *et al.* and Boudreau *et al.* in view of Yoon *et al.* Withdrawal of the rejection of claim 26 is respectfully requested.

**V. New Claims**

Claims 28-39 are newly added. No new matter has been added by these claims.

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Claim 28 recites an apparatus for passively aligning optical elements which comprises one or more bases, each base having a first receiving structure configured to secure an optical element to the base, and a substrate having one or more second receiving structures at predetermined locations, each second receiving structure configured to secure and passively align one of the bases to the substrate.

Claims 29-37 depend from claim 28. Claim 38 recites an optical device including the apparatus of claim 28. Claim 39 depends from claim 38.

Claim 28 is patentable over the references cited above because the references cited above do not disclose or teach aligning optical elements to bases and then aligning the bases to a substrate.

#### VI. Conclusion

The rejected claims have been amended and/or shown to be allowable over the prior art. Applicant believes that this paper is fully responsive to each ground of rejection cited by the Examiner in the Office Action dated January 26, 2005, and respectfully requests that a timely Notice of Allowance be issued in this case.

Please apply any charges not covered or any credits to Deposit Account No. 03-3325 (Docket No. SP02-165).

Respectfully submitted,

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